

**REMARKS:**

In the outstanding Office Action, claims 1-12 were rejected. Claims 2, 3, 4, 8, 9 and 10 have been canceled without prejudice. Claims 1, 5-7 and 12 have been amended and new claim 13 has been added. No new matter has been added. Thus, claims 1, 5-7 and 11-13 are pending and under consideration. The rejections are traversed below.

**REJECTION UNDER 35 U.S.C. §102(e):**

At item 2 of the outstanding Office Action, claims 1, 3-5, 7 and 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by 6,142,628 ('628).

'628 discusses an eyeglass try-on simulation system for approximating an actual eyeglass wearing state by integrating previously inputted prescription data with a selected frame shape data.

The present invention discloses a sales transaction support method and apparatus having a try-on simulation image of an object virtually wearing a commodity where image information of an image of the commodity and object image information of an image of the object is presented based on customer information of a registered user.

The Examiner makes a comparison between the '628 eyeglass try-on simulation system where they system approximates an actual eyeglass wearing state based on a user's selection of a frame with the present invention. In '628, a customer file of a person who visits an eyeglass store is prepared where a lens prescription in accordance with an optometry of an optometrist is inputted and a portrait of the customer not wearing eyeglasses is taken with a digital camera (see, column 7, lines 56-63 of '628). The customer is provided with a frame type screen displaying different types of frames from which the customer selects (see, FIG. 5 and corresponding text of '628). A composite screen of a face wearing the currently-selected lens shape frame and composite screens of faces wearing a certain standard lens shape selected in advance are provided to the customer (see, column 10, lines 19-27 of '628). This means that the '628 system arbitrarily provides eyeglasses from among stored eyeglasses data and presents the eyeglasses to the customer for selection by the customer.

In contrast, the present invention provides a sales transaction support method and apparatus according to which "said object image information is generated based on said customer information and said commodity is presented based on said customer information registered" as recited amended independent claims 1, 7 and 12. As further recited in amended

independent claims 1, 7 and 12 of the present application, the customer information of the present invention includes "at least one of data related to height, weight, body type and favorite fashion of a user" based on which the commodity is presented to the user. This means that the sales transaction method and apparatus of the present invention selectively presents a commodity to a user, and thus is unlike the '628 system where the customer is required to browse and select from the entirety of the stored eyeglasses. Further, the '628 system is limited to providing a composite screen of a face wearing the eyeglasses and does not teach or suggest "a try-on simulation image of an object virtually wearing said commodity" where the commodity is, for example, a suit (see, FIG. 18 through FIG. 22 of the present application).

The present invention also provides the user with an option to make "a try-on reservation for trying on said commodity at a store selling the commodity" that allows the user to make a reservation for physically trying out the commodity by going to a store that carries the commodity (see, amended independent claims 1, 7 and 12 of the present application). This is unlike the '628 system that is limited to providing a try-on simulation system for eyeglasses only when the customer visits an eyeglass store to place an order for eyeglasses (see, column 7, lines 55-60 of '628).

Therefore, withdrawal of the outstanding rejection is requested.

**REJECTION UNDER 35 U.S.C. §103(a):**

At item 4 of the outstanding Office Action, claims 2, 6, and 8 are rejected under 35 U.S.C. 103(a) as being obvious over '628 as applied to claim 1 above, and further in view of Official Notice.

The Examiner acknowledges that the '628 system does not teach or suggest a try-on reservation at a store, thus the Examiner takes an Official Notice stating that concepts and benefits of making a reservation for a try-on process before going to a store are well-known without providing a basis from a reference.

According to the MPEP, Official Notice unsupported by documentary evidence should only be taken by the Examiner where the facts asserted to be well known, or to be common knowledge in the art and are capable of instant and unquestionable demonstration. Further, the applicant should be presented with the explicit basis on which the Examiner regards the matter as subject to Official Notice sufficient to allow the applicant a proper opportunity to challenge that assertion. The outstanding Office Action has provided no explicit support of what the

purported well-known features encompass or how the determination of those features as being well known has been determined. Rather, the Office Action only cites '628, without pointing how the claimed features have been determined as being well known. Thus, the Applicants respectfully assert that a prima case of obviousness has not been established.

Further, for at least the above-mentioned reasons, claim 6 is patentably distinguishable over '628. For example, as recited in amended claim 6, the "try-on reservation issues a try-on reservation card having thereon an identification number for identifying said try-on reservation when said try-on reservation for trying on said commodity is made". As the Examiner acknowledges, the '628 system does not teach or suggest providing "a try-on reservation" and issuing "a try-on reservation card having an identification number" by which the try-on reservation is identified. The "record output confirmation" in '628 to which the Examiner refers to is directed to a confirmation screen for ultimately describing, and confirming with the customer the contents of the decided eyeglasses for finalizing the eyeglass selection (see, column 22, lines 33-38 of '628), and does not refer to identifying "a try-on reservation when the try-on reservation for trying on said commodity is made".

It is respectfully requested claim 6 amended to depend from claim 1 is distinguishable over '628.

Therefore, withdrawal of the outstanding rejection is requested.

**NEW CLAIM:**

New claim 13 has been added to emphasize that the sales transaction method of the present invention includes "**pre-selecting** the commodity based on a stored commodity presentation information indicative of **recommended** sales transaction in relation to a user" and "providing a try-on simulation image of an object virtually wearing the commodity", allowing the customer to be presented with selected commodity predicted to be suitable for the customer based on the stored commodity presentation information as well as making a "reservation" for physically trying on the commodity at the store selling the commodity.

Therefore, new claim 13 is patentably distinguishable over the cited references.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

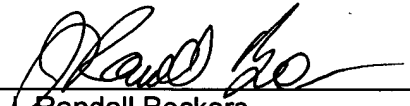
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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